IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.25650 of 1995

Between:

1 K.Illamma, W/o. Kolluri Muttaiah,
R/o. Mahabubabad(V)&(M), Warangal Dist.
2 K.Narayana, S/o. Peeraiah,
R/o. Mahabubabad(V)&(M), Warangal Dist.

...PETITIONERS

AND

1 The Commissioner of Survey,Settlements & Land Records,
Hyderabad. A.P.,
2 The Joint Collector,
Warangal Dist, Warangal.
3 The Mandal Revenue Officer,
Mahabubabad(M), Warangal Dist.
4 P.Upender,@ Uppllayya, S/o. Chaviti Kashaiah,
R/o.Mahabubabad(V)&(M), Warangal Dist.
5 P.Venkateswarlu S/o. Chaviti Kashaiah,
R/o.Mahabubabad(V)&(M), Warangal Dist.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction: 1) declaring the action of the respondents in initiating the action for cancellation of 50(B) Certificate as arbitrary, illegal and violative of the Articles 14, 21 and 300-A of the constitution of India; 2) quash the proceeding of the 1st respondent in Case No.P5/15/93, dt.30.9.95; 3)

costs be awarded to the petitioners.

Counsel for the Petitioners: MR.A.SUDERSHAN REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 and 5:Ms P.A.Kamaleshwari and Padma

The Court made the following:

ORDER:

The petitioners who claim to be the purchasers of an extent of one acre in Sy.No.287/35 of Mahabubabad Village have filed this writ petition to declare the action of the respondents in initiating action for cancellation of 50(B) certificate granted to them as arbitrary and illegal and to quash the proceedings of the 1st respondent in case No.P5/15/93 dated 30.09.1995.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

The petitioners sought 50 (B) certificate in respect of the assigned land. On a perusal of the record, the 1st and 2nd respondents have clearly come to a conclusion that the land in question is a Government poramboke, out of which, an extent of Acs.1.00, was granted in the name of Sri Puchakayala Chaviti Kashaiah, who was recorded as pattadar in the Khasra Pahani for the year 1954-55. Further, there was over writings in the faisal patti. It is also evident from 50 (B) certificate and faisal patti that the record was tampered. Since the assigned lands are not alienated under the Laoni Rules, alienation of land in question under Section 50 (B) does not arise.

Having regard to the findings of fact arrived at by the 1st and 2nd respondents, I do not find any valid ground to interfere with the same under Article 226 of the Constitution of India. The writ petition fails and shall accordingly stands dismissed.

There shall be no order as to costs.

09.06.2005

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Copy To:

1 The Commissioner of Survey,Settlements & Land Records,
Hyderabad. A.P.,
2 The Joint Collector,
Warangal Dist, Warangal.
3 The Mandal Revenue Officer,
Mahabubabad(M), Warangal Dist.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.